

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MARC S. KIRSCHNER  
As Trustee of the Refco Litigation Trust

Plaintiffs,

v.

GRANT THORNTON LLP; MAYER  
BROWN, ROWE & MAW, LLP; ERNST &  
YOUNG U.S. LLP;  
PRICEWATERHOUSECOOPERS LLP;  
CREDIT SUISSE SECURITIES (USA) LLC  
(f/k/a CREDIT SUISSE FIRST BOSTON  
LLC); BANC OF AMERICA SECURITIES  
LLC; DEUTSCHE BANK SECURITIES  
INC.; PHILLIP R. BENNETT; SANTO C.  
MAGGIO; ROBERT C. TROSTEN; TONE N.  
GRANT; REFCO GROUP HOLDINGS, INC.;  
LIBERTY CORNER CAPITAL  
STRATEGIES, LLC; WILLIAM T. PIGOTT;  
EMF FINANCIAL PRODUCTS, LLC; EMF  
CORE FUND, LTD.; DELTA FLYER FUND,  
LLC; ERIC M. FLANAGAN; INGRAM  
MICRO, INC.; CIM VENTURES, INC.;  
BECKENHAM TRADING CO. INC.;  
ANDREW KRIEGER; COAST ASSET  
MANAGEMENT, LLC (f/k/a COAST ASSET  
MANAGEMENT LP); CS LAND  
MANAGEMENT, LLC; and CHRISTOPHER  
PETITT,

Defendants.

Case No. 07 Civ. 11604 (GEL)

**MOTION FOR *PRO HAC*  
*VICE* ADMISSION OF  
MICHAEL S. SUNDERMEYER**

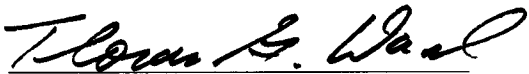
Pursuant to Local Civil Rule 1.3(c), undersigned counsel respectfully moves for  
the admission *pro hac vice* of the following attorney in the above-captioned matter:

Michael S. Sundermeyer, Esquire

Williams & Connolly LLP  
725 Twelfth Street, N.W.  
Washington, D.C. 20005  
Tel. (202) 434-5000  
Fax. (202) 434-5029

Mr. Sundermeyer is a member in good standing of the bar of the District of Columbia and there are no pending disciplinary proceedings against Mr. Sundermeyer in state or federal court. This Motion is based on the accompanying Affidavit of Thomas G. Ward and Certificates of Good Standing from the Virginia, Maryland and District of Columbia Bars. A proposed Order is attached hereto.

Respectfully submitted,

By:   
Thomas G. Ward (TW-6255)  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, D.C. 20005  
Tel. (202) 434-5000  
Fax. (202) 434-5029

*Counsel for Defendant Mayer Brown LLP*

Dated: Washington, DC  
February 19, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARC S. KIRSCHNER  
As Trustee of the Refco Litigation Trust

Plaintiffs,

v.

GRANT THORNTON LLP; MAYER  
BROWN, ROWE & MAW, LLP; ERNST &  
YOUNG U.S. LLP;  
PRICewaterhouseCOOPERS LLP;  
CREDIT SUISSE SECURITIES (USA) LLC  
(f/k/a CREDIT SUISSE FIRST BOSTON  
LLC); BANC OF AMERICA SECURITIES  
LLC; DEUTSCHE BANK SECURITIES  
INC.; PHILLIP R. BENNETT; SANTO C.  
MAGGIO; ROBERT C. TROSTEN; TONE N.  
GRANT; REFCO GROUP HOLDINGS, INC.;  
LIBERTY CORNER CAPITAL  
STRATEGIES, LLC; WILLIAM T. PIGOTT;  
EMF FINANCIAL PRODUCTS, LLC; EMF  
CORE FUND, LTD.; DELTA FLYER FUND,  
LLC; ERIC M. FLANAGAN; INGRAM  
MICRO, INC.; CIM VENTURES, INC.;  
BECKENHAM TRADING CO. INC.;  
ANDREW KRIEGER; COAST ASSET  
MANAGEMENT, LLC (f/k/a COAST ASSET  
MANAGEMENT LP); CS LAND  
MANAGEMENT, LLC; and CHRISTOPHER  
PETITT,

Defendants.  
-----X

Case No. 07 Civ. 11604 (GEL)

**AFFIDAVIT OF THOMAS G.  
WARD IN SUPPORT OF  
MOTION FOR *PRO HAC*  
*VICE* ADMISSION OF  
MICHAEL S. SUNDERMEYER**

I, THOMAS G. WARD, declare as follows:

1. I am an attorney with the law firm of Williams & Connolly LLP, attorneys for  
Defendant in the above-captioned matter, and a member in good standing of the bar of this Court

since March 28, 2005. I submit this affidavit in support of the Motion for *Pro Hac Vice* Admission of Michael S. Sundermeyer in the above-captioned matter pursuant to Local Civil Rule 1.3(c).

2. I have known Mr. Sundermeyer since November 1998. Mr. Sundermeyer is an attorney of the highest ethical and moral character, competence and experience, and I am confident that he will conduct himself accordingly before this Court.

3. Mr. Sundermeyer is a member in good standing of the bars of Virginia, Maryland and the District of Columbia. In connection with this motion, I am submitting Certificates of Good Standing issued by these three bars. I am aware of no pending disciplinary proceedings against Mr. Sundermeyer in any state or federal court.

4. For the foregoing reasons, I respectfully move the *pro hac vice* admission of Michael S. Sundermeyer in the above-captioned matter. For the Court's convenience, a proposed order granting this motion is attached hereto.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C. on February 19, 2008.



Thomas G. Ward (TW-6255)  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, D.C. 20005  
(202) 434-5000

*Counsel for Defendant Mayer Brown LLP*

**CERTIFICATE OF SERVICE**

I, Thomas G. Ward, hereby certify that on this 19th day of February, 2008, I caused true and correct copies of the Motion for *Pro Hac Vice* Admission of Michael S. Sundermeyer and Affidavit of Thomas G. Ward in Support of Motion for *Pro Hac Vice* Admission of Michael S. Sundermeyer to be served via first class mail upon the following:

<p>Sascha N. Rand  QUINN EMANUEL URQUHART OLIVER  111 South Wacker Drive  Chicago, Illinois 60606  <i>Counsel to Plaintiff Marc S. Kirschner, As  Trustee for the Refco Private Actions Trust</i></p>	<p>John R. McCambridge  GRIPPO AND ELDEN LLC  &amp; HEDGES LLP  51 Madison Avenue, 22nd Floor  New York, NY 10010  <i>Counsel to Plaintiff Trustee of the Refco  Litigation Trust</i></p>
<p>Bradley E. Lerman  David Emilio Mollon  James David Reich, Jr.  Bruce Roger Braun  Catherine W. Joyce  Linda T. Coberly  WINSTON &amp; STRAWN LLP  35 W. Wacker Drive  Chicago, Illinois 60601  <i>Counsel to Defendant Grant Thornton, LLP</i></p>	<p>Anthony Mathias Candido  &amp; Joel Michael Cohen  CLIFFORD CHANCE US, LLP  West 52nd Street  New York, NY 10019  <i>Counsel to Defendant Mayer Brown  International LLP</i></p>
<p>Miles N. Ruthberg  LATHAM &amp; WATKINS  633 West Fifth Street  Suite 4000  Los Angeles, California 90071  <i>Counsel to Defendant Ernst &amp; Young Us. LLP</i></p>	<p>Reed S. Oslan, P.c.  Joel A. Blanchet  James C. Joslin  Richard U.S. Howell  Peter Stasiewicz  KIRKLAND &amp; ELLIS LLP  200 East Randolph Drive  Chicago, IL 60601  <i>Counsel to Defendants Coast Asset  Management LLC  jlk/a Coast Asset Management LP, and CS  Land Management, LLC</i></p>

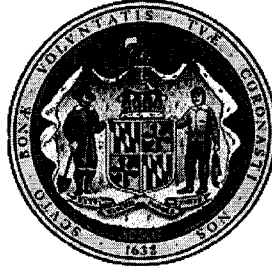
James J. Capra, Jr. ORRICK HERRINGTON SUTCLIFFE LLP 666 Fifth Avenue 31 New York, NY 10103 <i>Counsel to Defendant  PricewaterhouseCoopers LLP</i>	Scott E. Hershman Stephen R. Blacklocks Richard Soto BELL & PESKIE LLP HUNTON & WILLIAMS LLP 200 Park Avenue New York, NY 10166-0091 <i>Counsel to Defendant Santo C. Maggio</i>
Stephen J. O'Neil Maura Forde O'Meara BELL, BOYD & LLOYD LLP 70 West Madison Street Suite 3100 Chicago, Illinois 60602 <i>Counsel to Defendant Robert C Trosten</i>	Michael T. Hannafan Blake Tyler Hannafan HANNAFAN & HANNAFAN LTD. One East Wacker Drive Suite 2800 Chicago, Illinois 60601 <i>Counsel to Defendant Tone N Grant</i>
Thomas J. Cunningham Ronald M. Lepinskas Sally Weiss Mimms P. Russell Perdew LORD BISSELL & BROOK LLP 111 South Wacker Dr. Chicago, IL 60606 <i>Counsel to Defendant Christopher Petitt</i>	John D. Tortorella MARINO TORTORELLA PC 437 Southern Boulevard Chatham, NJ 07928 <i>Counsel to Defendants Liberty Corner Capital  Strategies and William T Pigott</i>
Veronica E. Rendon ARNOLD & PORTER LLP 399 Park Avenue New York, NY 10022-4690 <i>Counsel to Defendants Eric M Flanagan,  EMF Financial Products, LLC and Delta Flyer</i>	Aaron E. Albert FISCHER PORTER & THOMAS, P.c. 440 Sylvan Avenue Suite 130 Englewood Cliffs, NJ 07632-2700 <i>Counsel to Defendants Beckenham Trading  Fund, LLC Co. Inc. and Andrew Krieger</i>
Peter C. John Eric R. Lifvendahl WILLIAMS MONTGOMERY & JOHN LTD. 20 North Wacker Drive Suite 2100 4th Floor Chicago, IL 60606 <i>Counsel to Ingram Micro Inc. and CIM  Ventures, Inc.</i>	Jonathan P. Hersey SHEPPARD MULLIN RICHTER & HAMPTONLLP 650 Town Center Drive Costa Mesa, CA 92626 <i>Counsel to Defendant CIM Ventures, Inc.</i>

<p>Robert B. McCaw Philip D. Anker Lori A. Martin John V.H. Pierce Dawn M. Wilson Michael L. Feinberg Ross E. Firsenbaum WILMER CUTLER PICKERING HALE &amp; DORR 399 Park Avenue New York, New York 10022 Tel.: (212)-230-8800 Fax: (212)-230-8888 <i>Attorneys for Defendants Credit Suisse Securities (USA) LLC (formerly Credit Suisse First Boston LLC), Banc of America Securities LLC, and Deutsche Bank Securities Inc.</i></p>	<p>Jeffrey T. Golenbock Adam Craig Silverstein GOLENBOCK EISEMAN ASSOR 437 Madison Avenue New York, NY 10022-7302  <i>And</i>  Heather L. Kramer Edward S. Weil SCHWARTZ COOPER CHARTERED 180 North LaSalle Street Suite 2700 Chicago, IL 60601  <i>Counsel to Defendants Phillip R. Bennett, Refco Group Holdings Inc., and The Phillip R. Bennett Three Year Annuity Trust</i></p>
--	--



Thomas G. Ward (TW-6255)

**Court of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the third day of December, 1982,*

**Michael S. Sundermeyer**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
twenty-fourth day of January, 2008.*

  
Clerk of the Court of Appeals of Maryland



# Supreme Court of Virginia

AT RICHMOND

## Certificate

I, Patricia L. Harrington, Clerk of the Supreme Court of Virginia,  
do hereby certify that

MICHAEL SHOBE SUNDERMEYER

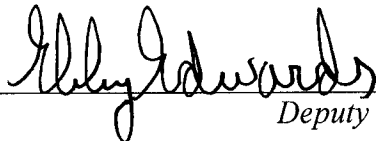
was admitted to practice as an attorney and counsellor at the bar of this Court on  
November 22, 1976.

I further certify that so far as the records of this office are  
concerned, MICHAEL SHOBE SUNDERMEYER is a member of the bar of  
this Court in good standing.

Witness my hand and seal of said Court

This 28th day of January

A.D. 2008

By:   
Deputy Clerk



District of Columbia Court of Appeals  
Committee on Admissions  
500 Indiana Avenue, N.W. — Room 4200  
Washington, D. C. 20001  
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

Michael S. Sundermeyer

---

was on the 29<sup>th</sup> day of July, 1977  
duly qualified and admitted as an attorney and counselor and  
entitled to practice before this Court and is, on the date  
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have  
hereunto subscribed my name  
and affixed the seal of this  
Court at the City of  
Washington, D.C., on January  
24, 2008.

GARLAND PINKSTON, JR., CLERK

By: *Charles*  
Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARC S. KIRSCHNER  
As Trustee of the Refco Litigation Trust

Plaintiffs,

v.

GRANT THORNTON LLP; MAYER  
BROWN, ROWE & MAW, LLP; ERNST &  
YOUNG U.S. LLP;  
PRICEWATERHOUSECOOPERS LLP;  
CREDIT SUISSE SECURITIES (USA) LLC  
(f/k/a CREDIT SUISSE FIRST BOSTON  
LLC); BANC OF AMERICA SECURITIES  
LLC; DEUTSCHE BANK SECURITIES  
INC.; PHILLIP R. BENNETT; SANTO C.  
MAGGIO; ROBERT C. TROSTEN; TONE N.  
GRANT; REFCO GROUP HOLDINGS, INC.;  
LIBERTY CORNER CAPITAL  
STRATEGIES, LLC; WILLIAM T. PIGOTT;  
EMF FINANCIAL PRODUCTS, LLC; EMF  
CORE FUND, LTD.; DELTA FLYER FUND,  
LLC; ERIC M. FLANAGAN; INGRAM  
MICRO, INC.; CIM VENTURES, INC.;  
BECKENHAM TRADING CO. INC.;  
ANDREW KRIEGER; COAST ASSET  
MANAGEMENT, LLC (f/k/a COAST ASSET  
MANAGEMENT LP); CS LAND  
MANAGEMENT, LLC; and CHRISTOPHER  
PETITT,

Defendants.  
-----X

Case No. 07 Civ. 11604 (GEL)

**ORDER ADMITTING COUNSEL  
*PRO HAC VICE***

This matter having been brought before the Court by motion pursuant to Local  
Civil Rule 1.3(c) for the admission *pro hac vice* of Michael S. Sundermeyer, Esquire, in the  
above-captioned matter, it is this \_\_\_\_ day of \_\_\_\_\_ 2008, hereby

ORDERED that the motion is GRANTED, and

IT IS FURTHER ORDERED THAT Michael S. Sundermeyer shall be admitted *pro hac vice* in the above-captioned matter. Counsel shall remit the required \$25 fee to the Cashier's Office for this *pro hac vice* admission.

SO ORDERED.

Dated: New York, NY

\_\_\_\_\_, 2008

---

The Honorable Gerard D. Lynch  
United States District Judge